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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HO, THOMAS Y

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/809,068

Applicant(s)

HAYAKAWA ET AL.

Examiner

Thomas Y Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15 and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Jahrsetz USPN5802894.

As to claim 1, Jahrsetz discloses:

- A latch mechanism.
- An open link 15 engageable and disengageable with the latch mechanism.
- A swing lever 17 connected to the open link. The swing lever 17 is connected to the open link by way of pin 18.
- An inside lever 28 positioned parallel to the open link and movable into and out of engagement with the open link. The inside lever is movable into and out of engagement with the open link depending on the position of the pin 18 in the slot 29.
- An electric driving source 30 having a gear member 22.
- A rotary gear member 19 arranged between the swing lever 17 and the electric driving source 30 to be meshed with the gear member of the electric driving source.
- The rotary gear member being directly and engagably connected to the swing lever.

As to claim 2, Jahrsetz discloses:

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- The open link 15 is arranged in a same plane as the swing lever 17. The open link and the swing lever must have some co-planar relationship between abutment 16 and pin 17.

As to claim 3, Jahrsetz discloses:

- A housing accommodating the open link 15, the swing lever 17, the electric driving source 30 and the rotary gear member 19 so that the swing lever and the rotary gear member are rotatably supported in the housing.

As to claim 4, Jahrsetz discloses:

- An opening lever 9 perpendicularly arranged relative to the open link 15.

As to claim 5, Jahrsetz discloses:

- A concave portion 19 formed in the swing lever 17.
- A pin formed in the rotary gear member 19 and extending into the concave portion so that the pin engages the concave portion by the rotation of the rotary gear member (FIG.2).

As to claim 6, Jahrsetz discloses:

- A housing accommodating the open link 15, the swing lever 17, the electric driving source 30 and the rotary gear member 19 so that the swing lever and the rotary gear member are rotatably supported in the housing.

As to claim 7, Jahrsetz discloses:

- An opening lever 9 perpendicularly arranged relative to the open link 15.

As to claim 8, Jahrsetz discloses:

- An opening lever 9 perpendicularly arranged relative to the open link 15.

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As to claim 9, Jahrsetz discloses:

- An opening lever 9 perpendicularly arranged relative to the open link 15.

As to claim 10, Jahrsetz discloses:

- A concave portion 19 formed in the swing lever 17.
- A pin formed in the rotary gear member 19 and extending into the concave portion so that the pin engages the concave portion by the rotation of the rotary gear member (FIG.2).

As to claim 11, Jahrsetz discloses:

- A concave portion 19 formed in the swing lever 17.
- A pin formed in the rotary gear member 19 and extending into the concave portion so that the pin engages the concave portion by the rotation of the rotary gear member (FIG.2).

As to claim 12, Jahrsetz discloses:

- A concave portion 19 formed in the swing lever 17.
- A pin formed in the rotary gear member 19 and extending into the concave portion so that the pin engages the concave portion by the rotation of the rotary gear member (FIG.2).

As to claim 13, Jahrsetz discloses:

- A concave portion 19 formed in the swing lever 17.
- A pin formed in the rotary gear member 19 and extending into the concave portion so that the pin engages the concave portion by the rotation of the rotary gear member (FIG.2).

As to claim 14, Jahrsetz discloses:

- A concave portion 19 formed in the swing lever 17.
- A pin formed in the rotary gear member 19 and extending into the concave portion so that the pin engages the concave portion by the rotation of the rotary gear member (FIG.2).

As to claim 15, Jahrsetz discloses:

- A concave portion 19 formed in the swing lever 17.
- A pin formed in the rotary gear member 19 and extending into the concave portion so that the pin engages the concave portion by the rotation of the rotary gear member (FIG.2).

As to claim 18, Jahrsetz discloses:

- A rotatable latch 7 including a latch groove.
- A rotatable pawl 8 adapted to contact the latch to prevent rotation of the latch, including a unitarily rotatable element 14 that rotates unitarily with the pawl 8.
- An open link 15 adapted to contact the unitarily rotatable element 14 to rotate the unitarily rotatable element and the pawl so the pawl is moved out of contact with the latch.
- A swing lever 17 connected to the open link.
- An inside lever 28 adapted to be operated through operation of a door handle 9 so that the inside lever moves into engagement (by pin 18 in slot 29) into engagement with the open link (at abutment 16) upon operation of the door handle to move the open link and moves out of engagement with the open link upon release of the door handle.

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The open link and the inside lever are in engagement when the open link is being acted on by the inside lever.

- An electric driving source 30 having a gear member 22.
- A rotary gear member 19 arranged between the swing lever 17 and the electric driving source and in meshing engagement with the gear member of the electric driving source.
- The rotary gear member being directly connected to the swing lever.

As to claim 19, Jahrsetz discloses:

- The unitarily rotatable element 14 includes a lifting lever mounted on a shaft that is integrally formed with a main body of the pawl.

As to claim 20, Jahrsetz discloses:

- The lifting lever 14 includes an engaging portion contacted by an engaging portion of the open link 15.

As to claim 21, Jahrsetz discloses:

- A rotatable latch 7 including a latch groove.
- A rotatable pawl 8 adapted to contact the latch to prevent rotation of the latch, including a unitarily rotatable element 14 that rotates unitarily with the pawl 8.
- An open link 15 adapted to contact the unitarily rotatable element 14 to rotate the unitarily rotatable element and the pawl so the pawl is moved out of contact with the latch, the open link being shiftable between an unlocked position and a locked position.
- A swing lever 17 connected to the open link.

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- A movable inside lever 28 adapted to be operatively connected to a door handle 9 to move in response to operation of the door handle.
- The inside lever having a part 18/29 engageable with an engaging portion 16 of the open link when the open link is in the unlocked position (FIG. 1) so that movement of the inside lever resulting from operation of the door handle causes the open link to move into contact with the unitarily rotatable element.
- The part of the inside lever 18/29 being unable to engage the engaging portion 16 of the open link when the open link is in the unlocked position so that movement of the inside lever resulting from operation of the door handle does not cause the open link to move into contact with the unitarily rotatable element.
- An electric driving source 30 having a gear member 22.
- A rotary gear member 19 arranged between the swing lever and the electric driving source and in meshing engagement with the gear member of the electric driving source.
- The rotary gear member being directly connected to the swing lever, with operation of the rotary gear member moving the swing lever to shift the open link between the unlocked and locked positions (col.8, ln.15-39).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jahrsetz
USPN5802894 in view of Konchan USPN5348357.

As to claim 17, Jahrsetz discloses:

- The housing 2a comprises a plurality of concave portions.
- The swing lever 17 including a projecting portion.

Jahrsetz fails to disclose or suggest:

- The swing lever projecting portion engageable with the concave portions.

Konchan discloses a lever wherein a housing has a concave portion near 58 engageable with a projecting portion 56 on a lever, to stop the lever in a specific position. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the projecting portion and concave portions disclosed by Jahrsetz to be engageable, as taught by Konchan, to stop the swing lever in a desired position.

Response to Arguments

Applicant's arguments with respect to claims 1-15 and 17-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after


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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y. Ho whose email address is thomas.ho@uspto.gov and telephone number is (703) 305-4556. The examiner can normally be reached on M-F 9:30AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9327.

TYH
January 24, 2003


J. J. SWANN
SUPERVISORY PATENT EXAMINER
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